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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**
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11 YUYING LI,

12 Plaintiff,

13 vs.

14 MICHAEL CHERTOFF, As Secretary of
15 the Department of Homeland Security;
16 EDUARDO AGUIRRE, Director of the
17 U.S. Citizenship & Immigration Services;
18 ROBERT S. MUELLER III, Director of the
19 U.S. Federal Bureau of Investigation,

20 Defendants.

CASE NO. 07cv0429-LAB (LSP)

**ORDER RE: ATTEMPTED
RESPONSE TO ORDER TO
SHOW CAUSE**

21 Plaintiff's complaint in this case sought an order requiring prompt adjudication of her
22 application for permanent status. Plaintiff served Defendants but took no further steps to
23 prosecute her case, such as by moving for summary judgment. Defendants, however, filed
24 a motion to dismiss, which is pending.

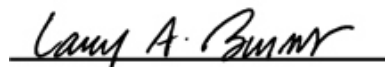
25 On December 14, 2007, Defendants filed a notice with a supporting declaration
26 showing that Plaintiff's application had been adjudicated and approved. The Court therefore
27 on December 19, 2007, issued an order requiring Plaintiff to show cause why her complaint
28 should not be dismissed as moot. The Court ordered Plaintiff to show cause no later than
21 days from the date the order was entered by filing and serving a memorandum of points
and authorities.

1 On January 7, 2008, within the 21 days, Plaintiff submitted for filing a memorandum
2 of points and authorities. She did not, however, attach a proof of service. Therefore, by
3 separate order, the submitted filing was rejected for filing and was ordered returned to
4 Plaintiff. Plaintiff's memorandum agreed that her application had been adjudicated and
5 approved, but pointed out that her permanent resident card incorrectly lists her place of birth
6 as Taiwan, whereas the attached documentation indicates she was born in Shanghai,
7 People's Republic of China and is a citizen of the People's Republic of China.

8 The claims Plaintiff now presented were not included in her complaint; thus, the Court
9 cannot consider them unless Plaintiff amends her complaint. However, because it appears
10 the problem Plaintiff now points out may be amenable to resolution by administrative action
11 without the need for further litigation, this matter is hereby referred to Magistrate Judge
12 Papas for a settlement conference. The Court **ORDERS** the parties promptly to contact
13 Judge Papas' chambers and set a conference for the purpose of discussing possible
14 settlement. The parties are directed to notify the Court promptly of the results of this
15 conference. The Court will stay further action pending this conference.

16 **IT IS SO ORDERED.**

17 DATED: January 14, 2008

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19 **HONORABLE LARRY ALAN BURNS**
20 United States District Judge
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